

REMARKS

Claims 1-27 are presented for examination. Claims 25 and 27 are amended. No claim is cancelled.

Claims 25 and 27 are amended as to matters of form. No new matter is added.

Claims 1-27 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fukano (U.S. Pat. 6,491, 453). The Office Action additionally cites Minowa et al. (U.S. Pat. 6,768,557) and Kurosawa et al. (U.S. Pat. 6,519,057) as prior art made of record and not relied upon, but considered pertinent to applicant's disclosure. The "Notice of References Cited" sheet enclosed in the present Office Action additionally lists US-2001/0004241 to Fukano et al. and U.S. Pat. 6,804,028 to Fukuta as additionally cited prior art references.

Applicants respectfully point out that U.S. Pat. 6,491,453 (the prior art reference primarily relied upon for rejection of all claims) and all but one of the remaining cited references are improper prior art. The present patent application was filed on October 16, 2000. Since the present patent application was filed after November 19, 1999, it benefits from the exemption under 35 U.S.C. §103 (c)(1) from rejection under 35 U.S.C. §103(a). More specifically, 35 U.S.C. §103 (c)(1) states,

"(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Consequently, since U.S. Pat. 6,491,453 to Fukano, et al., U.S. Pat. 6,132,117 to Fukano, et al., US-2001/0004241 to Fukano et al., and U.S. Pat. 6,768,557 to Minowa, et al. are all commonly assigned to Seiko Epson Corp., it is improper for these references to be cited as prior art in connection with the present patent application, which is likewise assigned to Seiko Epson Corp.

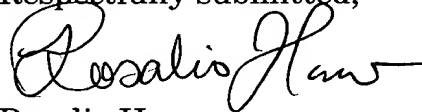
Applicants further respectfully point out that since the earliest Foreign Priority Date of the present application (10/15/1999) predates the priority U.S.

File Date of U.S. Pat. 6,804,028 to Fukuta (5/17/2000) (and also the priority dates of US 6,768,557 to Minowa (2/8/2000) and US 2001/0004241 to Fukano (12/7/2000)), it is likewise improper the Fukuta (or Minowa or Fukano) reference to be cited as prior art in connection with the present patent application.

In regards to the only proper prior art cited in the current Office Action (U.S. Pat. 6,519,057 to Kurosawa, et al), which is noted as showing "an image recording apparatus with mode switching to facsimile mode or print mode", Applicants respectfully point out that Kurosawa, et al. do not teach or suggest the presently claimed interactions associated with the presently claim transitions between specifically recited activity states.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the present application.

Respectfully submitted,



Rosalio Haro

Registration No. 42,633

Please address all correspondence to:

Epson Research and Development, Inc.
Intellectual Property Department
150 River Oaks Parkway, Suite 225
San Jose, CA 95134
Phone: (408) 952-6000
Facsimile: (408) 954-9058
Customer No. 20178

Date: May 10, 2005